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**EDWARD HELLER  
OF COUNSEL**

**RECEIVED**

**12 FEB 14 PM 5:43**

**SUPERFUND DIV.  
DIRECTOR'S OFFICE**

February 9, 2012

Randy C. Smith

American Environmental Consultants

P.O. Box 310

Mont Vernon, NH 03057

by email to [RandyCSmith1@cs.com](mailto:RandyCSmith1@cs.com)

**RE: ALLEGED POTENTIAL ENVIRONMENTAL LIABILITY OF METTON AMERICA,  
INC. ARISING OUT OF MATERIALS DELIVERED TO THE U.S. OIL/MCC  
RECOVERY SITES**

As previously stated in our email exchanges, I represent Metton America, Inc. ["Metton"]. This letter is in response to your letter and attachments of December 27, 2011 soliciting Metton's membership in the U.S. Oil Recovery PRP Group.

After discussing the matter with my client and reviewing its waste disposal history, it is their conclusion, and mine, that Metton did not cause or allow the disposal of any hazardous substances at either the US Oil Recovery or MCC disposal sites [the "Subject Sites"]. Therefore, Metton declines to join the US Oil Recovery PRP Group at this time.

As is plainly evident from the documents attached as Exhibit C to your letter, Metton's waste shipments to the Subject Sites consisted exclusively of "Non-Hazardous, Not DOT Regulated" wastewater. The wastewater was generated from an air emissions scrubber in which HCl in a gaseous state was bubbled through water. NaOH was added to the water as a neutralizer resulting in a residual of NaCl and water, i.e. saltwater.

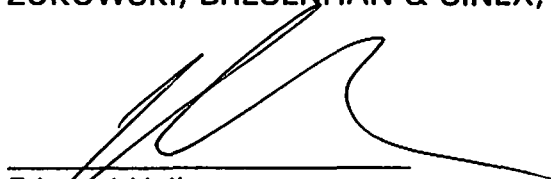
It was this saltwater that was transported to the Subject Sites under contract between Metton and Emergent Industrial Solutions, Inc. of Cypress, TX ("EIS"). The transporter chose the disposal site with no input whatsoever from Metton. EIS is still in business, so it may serve the Group better to focus your attention on it, as Metton will look to EIS for Indemnity in the event that Metton is put to its proof.

It is my understanding that the objective of the activities currently being conducted at the Subject Sites is to remove hazardous substances remaining there following the abandonment of the Subject Sites by US Oil Recovery in June 2010. It is my understanding that EIS discontinued its use of the Subject Sites in 2007. It would be highly unlikely that Metton's waste water remained there, untreated, for more than two years.

Based upon my investigation to date, I believe that any action to join Metton as a defendant in the cost recovery litigation referenced in your letter would be without merit and, potentially, in violation of FRCP Rule 11. Should you believe that any fact stated in this letter is incorrect or incomplete, my client would be completely open to hearing an explanation of the basis for your assertion, and open still to reconsidering its position.

Very Truly Yours

ZUKOWSKI, BRESENHAN & SINEX, LLP

A handwritten signature in black ink, appearing to read 'Edward Heller', is written over a horizontal line.

Edward Heller

cc: Masinori Abe, Vice-President, Metton America, Inc. by email  
Pamela Phillips, Acting Superfund Division Director, EPA Region Six  
Paul Ducharme, Emergent Industrial Solutions, LP.